

REMARKS

Claims 8 and 9 have been amended to clarify that they are composition claims. As such, they would be classified with Group I, which has been elected with traverse for prosecution.

Applicants request reconsideration of the restriction requirement. The restriction requirement should be withdrawn because the method claims of Group II (claims 24-31) depend from claim 1, and are therefore within the scope of claim 1. It would not be an additional burden on the Examiner to examine dependent claims; the subject matter of a dependent claim is within the scope of the claim from which it depends. Hence, a search for the subject matter of claim 1 (compositions) would by necessity find references that show the particular *uses* of those same compositions, as called for in the method claims of Group II (claims 24-31).

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

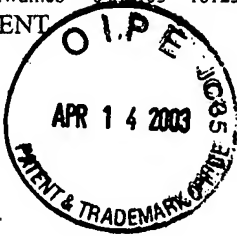
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**Marked-up Version of Amended Claims
Pursuant to 37 C.F.R. §§ 1.121(b)-(c)**

In the Claims:

Claims 8 and 9 have been amended as follows:

8. (Once Amended) [A method] The composition of claim 1 wherein the polyphenol comprises one or more of:

- l) resveratrol;
- m) *Polygonum cuspidatum* extract;
- n) green tea extract;
- o) grape extract;
- p) grape seed extract;
- q) blackberry extract;
- r) blueberry extract;
- s) cranberry extract;
- t) elderberry extract;
- u) black current extract; or
- v) oolong tea extract.

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9. (Once Amended) The [method] composition of claim 1 wherein the polyphenol or mixture of polyphenols comprises one or more of a di- and/or trihydroxyphenyl compound chosen from:

- a) catechins and substituted catechins;
- b) flavanols;
- c) flavonoids;
- d) theaflavins;
- e) thearubigins;
- f) anthocyanidin and substituted anthocyanidins;
- g) rutin and substituted rutin;
- h) tannins; or
- i) genistein and substituted genistein.